

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HARMONY HAUS WESTLAKE, L.L.C.,	§	
et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL NO. 1-20-CV-486-XR
	§	
PARKSTONE PROPERTY OWNERS	§	
ASSOCIATION, INC.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFFS' MOTION FOR LEAVE TO FILE OUT OF TIME

Plaintiffs Harmony Haus Westlake, L.L.C., Ling Zhou, and Fenglin Du hereby file their Plaintiffs' Motion for Leave to File Out of Time and would respectfully show the Court as follows. Plaintiffs respectfully request leave to file their responses to Defendant's Opposed Motion to Strike Dr. Beare (Dkt. No. 40) and Defendant's Motion for Partial Summary Judgment (Dkt. No. 42).

In calculating the response deadlines for these motions, the undersigned counsel apparently inadvertently consulted the Local Rules for the United States District Court for the Northern District of Texas, in which he resides, rather than the Local Rules for the United States District Court for the Western District of Texas, in which this case is litigated. The Local Rules for the Northern District of Texas permit 21 days for a response. Consequently, the undersigned counsel inadvertently calendared the response deadlines as February 16 and February 18 respectively. The undersigned counsel has been hard pressed with a heavy load of work over the past week with briefing to the Texas Supreme Court and a hearing in Mississippi and did not think to revisit the local rules to ensure the accuracy of his calendaring. The Local Rules for the

Western District of Texas permit 7 days and 14 days for the two responses, respectively. Consequently, Plaintiffs have missed both deadlines as of the date of this filing.

In light of the critical nature of these responses, Plaintiffs respectfully move that this Court permit them to file responses to both motions on February 16. Plaintiffs do not bring this motion for purposes of delay. Plaintiffs do not believe the relief requested will prejudice Defendant in this matter.

DATED: February 12, 2021

Respectfully submitted,

/s/ Mark Whitburn
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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with counsel of record for Defendant on February 12, 2021, concerning the relief requested in this Motion. Mr. Hansum indicated that he would reach back out to me later today with a response. Given the urgency of the relief requested, I determined that it would be advisable to file the Motion immediately. Consequently, I am not able to make a representation concerning the position of Defendant in this matter.

/s/ Mark Whitburn

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on counsel of record for Defendant on February 12, 2021, via the electronic filing service as follows:

Eric J. Hansum
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/s/ Mark Whitburn